United Nations A/HRC/26/NGO/33

General Assembly

Distr.: General
4 June 2014

English only

Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by France Libertés: Fondation Danielle Mitterrand, Women's Human Rights International Association, non-governmental organizations in special consultative status, Mouvement contre le racisme et pour l'amitié entre les peuples, International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04145 (E)
1404145

Please recycle

The grave violations of asylum-seekers' fundamental right to health: preventing free access of Camp Liberty (Iraq) residents to medical care is a threat on their right to life*

Background

Nearly 3,000 Iranian exile PMOI/MEK members are in Camp Liberty in Iraq. These individuals have during the span of the past three decades gradually entered Iraq through legal means and in agreement with the then Iraqi government, and resided in Camp Ashraf. Following the 2003 war and the occupation of Iraq, Camp Ashraf came under the control and protection of US forces, and the residents were recognized as 'protected persons' under the IVth Geneva Convention. However, from the beginning of 2009, the US government transferred the control of Camp Ashraf and its residents to the Government of Iraq. Subsequently, Iraqi forces imposed a logistical and medical siege on the Camp and attacked the residents on 28-29 July 2009 and 8 April 2011, storming the camp and murdering the unarmed and defenceless camp residents. In these two attacks 49 residents were killed either by direct gun fire or crushed under Iraqi forces' armoured vehicles.

International media reported witnessing Iraqi forces forcefully dragged the wounded out of Baquba Hospital beds near Ashraf and returned them to the camp. In yet another incident on 1 September 2013, Ashraf was stormed by Iraqi forces and 52 residents were massacred and 7 others abducted as hostages. In addition to this, Camp Liberty – where Ashraf residents were gradually transferred to against their will from the beginning of 2012 – came under four missile attacks, leaving many residents killed and injured. In total, from 2009 to this day 20 ground and missile attacks have been recorded against camps Ashraf and Liberty. During the course of these attacks 116 residents have been murdered and 1,375 others injured. This means nearly half of this population has been injured. Most of the attacks were carried out by Iraqi forces and/or forces loyal to the Government of Iraq.

Camp Liberty residents have all been interviewed by the UNHCR regarding the refugee process and have been recognized by the UNHCR as 'people of concern' and as such entitled to be protected under International Law. They are now waiting to be resettled in third countries.

General conditions at Camp Liberty

The asylum-seekers are facing increasing problems and continuous harassments, especially regarding access to medical services and service contractors. Freedom of movement, access to justice and the right to choose one's own lawyer are denied. Income generating activities are not allowed. Visits of independent observers such as NGOs, parliamentarians, diplomats and families are banned. Conditions in the camp are such that the UN Working Group on Arbitrary Detentions (WGAD) in two detailed reports[1] in 2012 described as an illegal detention.

The WGAD concluded that: 'The Working Group considers that there is no legal justification for holding the above-mentioned persons and other individuals in Camp Liberty, and that such detention is not in conformity with the standards and principles of international human rights law'. Furthermore, the WGAD urged the Government of Iraq 'to consider alternatives to the detention of the asylum seekers in Camps Ashraf and Liberty'.

The Government of Iraq has so far shown no intention to lift the illegal restrictions or allow the residents to improve the living conditions in Camp Liberty.

Medical Blockade

Twenty of these residents have to this day lost their lives due to a medical blockade. As stated by experts, if these individuals enjoyed open access to medical care they would not have perished.

There is an Iraqi-controlled first aid centre in Camp Liberty that is responsible for only very simple first aid support and transferring patients to hospitals in Baghdad. Due to the high number of residents having been wounded in several attacks and also years of medical blockade 869 patients have received paperwork from the camp's Iraqi clinic to go to

[1] A/HRC/WGAD/2012/16 and A/HRC/WGAD/2012/32

Baghdad in order to be visited by a medical specialist. This means nearly one third of the camp's population are in a very long waiting list to go to Baghdad!

The result of this current blockade, which is accompanied by prison-like laws, is a bottleneck rationing of 3 to 4 patients being sent to Baghdad on a daily basis. They must pass through a very tight corridor of Iraqi security forces, before being able to receive any medical treatment. Even if this very small number of patients is successful in reaching their medical appointments, all their commuting is controlled by stonewalling Iraqi forces. This includes deliberate delays in patients' leaving the camp that ends in them losing their appointments and in most cases an interpreter is not allowed to leave the camp where their presence for communication between the doctors and patients who do not speak the same language is an inevitable necessity. These obstructions lead to a waste of time and appointments not being met. Even those patients who are able to exit the camp and actually get visited by a medical specialist, in most cases the Iraqi forces accompanying them do not allow the patients purchase medicine according to the doctors' prescriptions.

As of today, 191 surgeries are in line. Of course, the number of patients is actually up to 869 and amongst them are those injured by Iraqi forces attacks in Ashraf, meaning those residents who had their arms and legs shot and broken by Iraqi forces, and are now suffering from a paralyzed limb. If these conditions continue the patients' treatment will last over two years, and this is conditioned on no new patients being added to this list. As a result, these conditions are imposing a slow death to Camp Liberty's patients.

Even patients who have been able to leave Iraq with UNHCR support or the hard efforts of Camp Liberty residents' international supporters have now reached a point of no return due to the pressures and restrictions imposed while they were in Liberty and they can no longer be cured. During the past few months 4 Camp Liberty patients transferred to Albania have lost their lives despite receiving all the possible medical treatments. The latest example was Ms. Leila Kermanshahi who passed away on 13 May 2014 a few weeks after being transferred from Liberty to Albania. This loss was also due to the restrictions imposed in Liberty. Based on the complaints Ms. Kermanshahi had written to UN officials in Iraq when she was alive, she was amongst those individuals that Iraqi forces prevented from purchasing her medicine.

Disabled residents of Camp Liberty

The lives of disabled and paraplegic residents in Camp Liberty are in grave danger due to the blockade. In addition to the medical and drug restrictions, these individuals are very vulnerable in the case of missile barrages and attacks against the camp because they are not able to go to any shelter. When the residents entered Liberty in 2012, where US forces were previously stationed, the Iraqi authorities removed 17,500 pieces of protective concrete walls (known as T-walls) and transferred them outside the camp perimeters. To this day the Government of Iraq is not willing to allow the residents have such T-walls returned and installed at their own expense for the resting area of disabled residents. The Government of Iraq also doesn't permit residents to construct stronger buildings for the disabled residents. On 26 December 2013 the attackers' missiles landed near the stationing area of disabled residents and miraculously they were not hurt.

Agreements

The Memorandum of Understanding (MoU) signed in December 2011 between the Government of Iraq and the United Nations underlined the following points:

1) Camp Liberty shall meet the required humanitarian and human rights standards.

2) The Iraqi Government shall assume management of temporary transit sites and guarantee the living infrastructures, hygiene facilities and medical care.

3) The Iraqi Government shall facilitate and allow the residents, at their own expense, to enter into bilateral contact with contractors for provision of life support and utilities such as water, food, communications, sanitation, and maintenance and rehabilitation equipment.

If the Government of Iraq had been loyal to the MoU signed with the UN and recognized the residents' right to free access to medical care, today the number of ill residents in limbo would have been much smaller and some lives would not have been lost. In an expertise review, if the patients had free access to medical care all cases would be resolved in the span of 3 months.

Conclusion and Recommendations

Deeply concerned by the large number of complaints and the growing number of people losing their lives due to lack of timely access to medical care in Camp Liberty and bearing in mind that Government of Iraq is a signatory to the international covenant on economic and social rights, we:

- call upon the UN Special Representative of the Secretary-General in Iraq and UNAMI to recall Government of Iraq its duties and responsibilities;
- urge Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take urgent action on this issue.

---

*Association of Humanitarian Lawyers NGO(s) without consultative status, also share the views expressed in this statement.